

### REMARKS

In response to the Office Action mailed October 29, 2007, Applicants amended claims 1, 27, and 53. Claims 28-49 were previously canceled. Claims 1-27 and 50-53 are presented for examination.

The Examiner rejected claims 1-5, 7-13, 16-20, 25, 27, and 53 under 35 U.S.C. § 102(b) as being anticipated by Miller et al. (US 5,933,927). As the Examiner concedes, Miller discloses a method for forming a mechanical fastener including using a heated roll to form fastening portions on the distal ends of stems integrally formed with a backing layer. (See, e.g., Miller, col. 5, lines 64-67, col. 6, lines 17-21). Miller's method does not provide a backing layer with fastening portions until after the backing layer has contacted the heated roll. (See, e.g., Miller, col. 6, lines 17-21, Figure 2). Thus, Miller does not disclose or suggest a method of making a touch fastener having a non-planar topography, the method including thermoforming a sheet form base having male fastener elements, as required by claims 1-5, 7-13, 16-20, 25, 27, and 53. Accordingly, Miller does not teach each and every feature of claims 1-5, 7-13, 16-20, 25, 27, and 53.

In view of the foregoing discussion, Applicants request reconsideration and withdrawal of the rejection of claims 1-5, 7-13, 16-20, 25, 27, and 53 as being anticipated by Miller.

The Examiner rejected claims 1-18 and 21-25 under 35 U.S.C. § 103(a) as being unpatentable over Dubowik (US 4,870,725) in view of Neeb et al. (US 2002/0169435). But Dubowik and Neeb fail to disclose or suggest each and every limitation of claims 1-5, 7-13, 16-20, 25, 27, and 53. Moreover, a person having ordinary skill in the art would not have modified Dubowik and Neeb to achieve the methods of claims 1-5, 7-13, 16-20, 25, 27, and 53.

Dubowik discloses a touch fastener system including a bi-stable member of a planar, resiliently flexible material. (See, e.g., Dubowik, col. 3, lines 25-27). Neeb discloses a hook-and-loop fastening system including a semi-rigid layer attached to a flexible hook backing to enable bi-stable movement of a hook component. (See, e.g., Neeb, ¶ [0053]). Thus, Dubowik and Neeb, alone and in any proper combination fail to disclose or suggest methods of forming a touch fastener including providing a substantially rigid sheet form base, as required by claims 1-

5, 7-13, 16-20, 25, 27, and 53. This is not a trivial distinction. As noted in Applicants' specification, the touch fastener produced by Applicants' methods can, for example, provide shape and contour to a mold cavity, thereby allowing the use of a single mold to make a variety of seat cushions. (See, e.g., US 2005/0161851 ¶ [0079]).

Furthermore, a person having ordinary skill in the art would not have modified Dubowik and Neeb to include a substantially rigid sheet form base. Such a modification would, for example, prevent Dubowik's touch fastener and Neeb's hook component from moving between bi-stable positions. Accordingly, such a modification would prevent Dubowik's touch fastener and Neeb's hook component from operating as intended.

In view of the foregoing discussion, Applicants request reconsideration and withdrawal of the rejection of claims 1-18 and 21-25 as being unpatentable over Dubowik in view of Neeb.

The Examiner rejected claims 19 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Dubowik in view of Neeb, as applied to claims 1-18 and 21-25, and further in view of Kurfman (US 4,115,619). Kurfman fails to cure the deficiencies of Dubowik and Neeb discussed above. For example, Kurfman fails to disclose or suggest a sheet form base, much less providing a substantially rigid sheet form base. Therefore, Applicants request reconsideration and withdrawal of the rejection of claims 19 and 20 as being unpatentable over Dubowik in view of Neeb and further in view of Kurfman.

The Examiner rejected claims 26 and 27 under 35 U.S.C. § 103(a) as being unpatentable over Dubowik in view of Neeb et al. and further in view of Tidemann et al. (US 5,738,816). Tidemann fails to cure the deficiencies of Dubowik and Neeb discussed above. For example, Tidemann fails to disclose or suggest providing a substantially rigid sheet form base. Therefore, Applicants request reconsideration and withdrawal of the rejection of claims 26 and 27 under 35 U.S.C. § 103(a) as being unpatentable over Dubowik in view of Neeb and further in view of Tidemann.

The Examiner rejected claims 50-52 under 35 U.S.C. § 103(a) as being unpatentable over Dubowik in view of Neeb, as applied to claims 1-18 and 21-25, and further in view of Kenney (US 5,725,928). Kenney fails to cure the deficiencies of Dubowik and Neeb discussed above.

For example, Kenney fails to disclose or suggest providing a substantially rigid sheet form base. Therefore, Applicants request reconsideration and withdrawal of the rejection of claims 50-52 as being unpatentable over Dubowik in view of Neeb and further in view of Kenney.

Please apply any charges or credits to deposit account 06-1050, referencing Attorney Docket No. 05918-320001.

Respectfully submitted,

Date: January 29, 2008

/John Paul Mello/

John Paul Mello  
Reg. No. 61,400

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906